

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Francis	Team: Squad #6	CCRB Case #: 201803615	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/09/2018 2:48 AM	Location of Incident: 94th Street and 24th Avenue	Precinct: 115	18 Mo. SOL 11/9/2019	EO SOL 11/9/2019	
Date/Time CV Reported Wed, 05/09/2018 3:55 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 05/09/2018 3:55 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Gregory	02848	956700	115 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Myers	25089	963176	115 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Gregory	Discourtesy: Police Officer Bryan Gregory spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 9, 2018, § 87(2)(b) filed this complaint with the CCRB via the call processing system.

On May 9, 2018 at approximately 2:48 A.M., § 87(2)(b) was pulled over by PO Bryan Gregory and PO Brian Myers of the 115th Precinct for failing to signal at the intersection of Ditmars Boulevard and 94th Avenue in Queens. § 87(2)(b) had two passengers in his car with him; § 87(2)(b) and § 87(2)(b). During the stop, § 87(2)(b) asked PO Gregory what probable cause he had for pulling him over. PO Gregory responded, “Why don’t you quit being a smartass?” (**Allegation A: Discourtesy**, § 87(2)(g)). After handing PO Gregory his license, § 87(2)(b) stated that he attends a private college and that he has a clean record. PO Gregory responded “You’re not the first or last loser to go to college” (**also Allegation A: Discourtesy**, § 87(2)(g)) before returning to his patrol vehicle.

PO Gregory returned to § 87(2)(b) vehicle and handed § 87(2)(b) two summonses; one for failure to signal and another for objects obstructing view.

There is no video footage of this incident available.

Findings and Recommendations

Allegation (A) Discourtesy: PO Bryan Gregory spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that after being pulled over for the moving violation, he questioned PO Gregory, who stood by the driver’s side of the vehicle, as to why his vehicle was stopped. PO Gregory responded “Why don’t you quit being a smartass?” After being asked three times, § 87(2)(b) provided PO Gregory with his license and told him that he attended a private college and was not breaking any laws. PO Gregory replied “You aren’t the first or last loser to go to college.” PO Gregory returned to his patrol vehicle to write the summonses and stayed there for over an hour. During this time, § 87(2)(b) called the 115th Precinct and complained that PO Gregory was rude to him and was taking too long with the vehicle stop. § 87(2)(b) did not leave his vehicle at any point in the interaction. Following the issuance of the summons, the officers left the scene (BR 1-3).

§ 87(2)(b) provided a telephone statement on May 23, 2018 (BR 3). § 87(2)(b) was seated on the rear passenger side of § 87(2)(b) vehicle. § 87(2)(b) did not mention that PO Gregory called § 87(2)(b) a “smartass”. § 87(2)(b) corroborated that when § 87(2)(b) told PO Gregory that he was a college student with a clean record, PO Gregory told § 87(2)(b) “You’re not the first or last college student” and then, in a separate comment immediately afterwards, called him a “loser”. § 87(2)(b) was not cooperative with providing a sworn testimony.

§ 87(2)(b) who sat in the front passenger seat of § 87(2)(b) vehicle, could not be reached for a statement on the incident (BR 8).

PO Gregory confirmed that he pulled over § 87(2)(b) for failure to signal. PO Gregory described § 87(2)(b) as being rude during the stop, as he had to ask § 87(2)(b) for his license four or five times. PO Gregory did not mention § 87(2)(b) making any statements about what probable cause he needed to pull him over. PO Gregory denied telling § 87(2)(b) to “quit being a smartass” but acknowledged saying “You’re not the first or last person to go to college” after § 87(2)(b) informed him that he attended a private college and had a clean record. PO Gregory did not call § 87(2)(b) a “loser”. While he and PO Myers were in their patrol vehicle, PO Myers

received a call from the 115th Precinct stating that § 87(2)(b) called the precinct to complain that PO Gregory called him “stupid” and was taking too long to write two summonses. Upon returning to § 87(2)(b) vehicle with the summonses, PO Gregory asked § 87(2)(b) if he had been rude to him at any point during their interaction. § 87(2)(b) replied that PO Gregory called him “stupid”. PO Gregory denied calling § 87(2)(b) stupid, told him that being a college student does not get you out of a ticket, and told him to have a good night. He and PO Myers returned to their patrol vehicle and left the scene.

PO Myers confirmed that during the stop, he remained at the passenger side of the vehicle (BR 5). PO Myers could not hear the conversation between PO Gregory and § 87(2)(b) due to ongoing traffic. He was however, able to make out PO Gregory saying “You’re not the first or last person to go to college.” PO Myers confirmed that he received a call from the 115th Precinct after he and PO Gregory returned to their patrol car. During this call, no specific discourteous language was alleged and no complaint about the length of time of the stop was brought to his attention.

§ 87(2)(g)
Though it was undisputed that there was discussion between PO Gregory and § 87(2)(b) regarding being “the first or last” person to attend college, § 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first CCRB investigation to which § 87(2)(b) has been a party.
- PO Gregory has been a member of service for four years. He has been a subject in two prior investigations: 201703285 and 201710507. He is the subject of a current investigation: 201805585. No allegations have been substantiated and § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of July 5, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (BR 06)

Squad No.: 6

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date